

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

Wednesday, April 12, 2006  
9:00 a.m.

City of Laguna Beach  
City Council Chambers  
505 Forest Avenue  
Laguna Beach, California

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, March 29, 2006, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, April 5, 2006 will not be provided to the Regional Board members and will not be considered by the Regional Board. *PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.*

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: [rb9agenda@waterboards.ca.gov](mailto:rb9agenda@waterboards.ca.gov) to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, March 29, 2006.

*Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.*

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: February 8, 2006.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

***Consent Calendar: Items 5 and 6 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)***

5. NPDES Permit Revisions: Southern California Edison, San Onofre Nuclear Generating Station, proposes to increase its permanent dewatering and yard drain discharges through the ocean outfalls of Units 2 and 3. The proposed discharges require permit revisions. The appropriate permit revisions are proposed in the following permit addenda: *(Brian Kelley)*
  - a. Unit 2, tentative Addendum No. 1 to Order No. R9-2005-0005, NPDES Permit No. CA0108073
  - b. Unit 3, tentative Addendum No. 1 to Order No. R9-2005-0006, NPDES Permit No. CA0108181
6. Rescission of Waste Discharge Requirements: Tentative Order No. R9-2006-0007 is an Order rescinding the following waste discharge requirements: *(Whitney Ghoram)*
  - a. Order No. 88-67, Waste Discharge Requirements for Pre-Mixed Concrete Company, Carlsbad Plant, San Diego County,
  - b. Order No. 94-32, Waste Discharge Requirements for H.G. Fenton Material/Pre-Mixed Concrete Company, Mission Valley Plant, San Diego County,
  - c. Order No. 94-33, Waste Discharge Requirements for H.G. Fenton Material Company, Pala Plant, San Diego County,
  - d. Order No. 94-62, Waste Discharge Requirements for Calmat Company, Pala Plant, San Diego County,
  - e. Order No. 94-71, Waste Discharge Requirements for Florence Kirkpatrick, Alpine Springs R.V. Resort, San Diego County,
  - f. Order No. 94-130, Waste Discharge Requirements for John and Joanne DeRaadt Dairy, San Diego County, and

- g. Order No. 96-60, Waste Discharge Requirements for the San Diego Unified Port District, National City Marina, San Diego County.

***Remainder of the Agenda (Non-Consent Items):***

- 7. NPDES Permit Renewal: Waste Discharge Requirements for the Fallbrook Public Utility District, Wastewater Treatment Plant No. 1, Discharge to the Pacific Ocean Via the Oceanside Ocean Outfall (tentative Order No. R9-2006-0002, NPDES No. CA0108031) (*Victor Vasquez*)
- 8. NPDES Permit Reissuances: Stormwater discharges from the following three boat building and repairing facilities: (*Tony Felix*)
  - a. Dana Point Shipyard, Dana Point Harbor, Orange County (tentative Order No. R9-2006-0019, NPDES Permit No. CA0109312);
  - b. Driscoll Mission Bay, Mission Bay, City of San Diego (tentative Order No. R9-2006-0020, NPDES Permit No. CA0109291); and,
  - c. Oceanside Marine Centre, Oceanside Harbor, City of Oceanside (tentative Order No. R9-2006-0021, NPDES Permit No. CA0109304).
- 9. **PUBLIC HEARING:** Amendment to the *Water Quality Control Plan for the San Diego Basin (9)*. The Regional Board will hear public testimony and receive comments on a Basin Plan amendment to edit and reformat text, and update graphics (Basin Plan Issue No. 1); and a revision to the *Water Quality Control Plan for the San Diego Basin (9)* to reinstate text on “controllable water quality factors.” After the close of the hearing, the Regional Board will deliberate on and consider adoption of the amendment and revision. (Tentative Resolution No. R9-2006-0029) (*Linda Pardy*)
- 10. Status Report: Presentations by Orange County Copermittees and public organizations. (*Jeremy Haas*)
- 11. **Executive Session - Discussion of Ongoing Litigation**  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
  - WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50.* Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)
  - Divers' Environmental Conservation Organization v. State Water Resources Control Board,* San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water.
  - Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al..* United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61

12. *Executive Session* - Consideration of Initiation of Litigation  
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
13. *Executive Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.
14. *Executive Session* - Personnel  
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
15. Arrangements for Next Meeting and Adjournment  
Wednesday, May 10, 2006 - 9:00 a.m.  
Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

### *Notifications*

A. A. On January 27, 2006, the Regional Board Executive Officer issued [Cleanup and Abatement Order No. R9-2006-0016](#) (CAO) to the United States Marine Corps (USMC) to address deficiencies in the landfill liner system at the Las Pulgas Landfill in Camp Pendleton. The deficiencies violate the existing Waste Discharge Requirements ([WDR Order 2000-54](#)) for the Las Pulgas Landfill. The CAO directs the USMC to correct all construction deficiencies in the existing Phase 1 waste management unit (Unit). By December 1, 2006, the USMC must submit a Corrective Action Plan (CAP) to identify and correct all the deficiencies or clean close the existing Phase 1 Unit in compliance with California Code of Regulations, Title 27. The Regional Board has also prepared a [Technical Staff Report](#) for Order R9-2006-0016. The technical staff report provides the technical and regulatory support for the findings and directives of Order R9-2006-0016, and the report is available for public review. (John Odermatt)